

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W. SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF

Jerry Crute

Cash & Investment Manager

Office of the Chief Financial Officer

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DATE: January 9, 2003

DOCKET NO.: 02F-043

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Official Code §1-1106.2 (2001 Edition), Jerry Crute, Cash & Investment Manager with the Office of the Chief Financial Officer, failed to timely file, a Financial Disclosure Statement for calendar year 2001, on or before May 15, 2002 as required by the D.C. Official Code §1-1106.2 (2001 Edition) and also failed to file on or before the OCF sanctioned extended filing date of June 6, 2002.

By Notices of Hearings, Statements of Violations and Orders of Appearance dated July 22, 2002 and August 12, 2002, OCF ordered Jerry Crute (hereinafter respondent), to appear at scheduled hearings on August 5, 2002 and August 19, 2002 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by the D.C. Official Code § 1-1101 et seq. and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required, Financial Disclosure Statement for calendar year 2001, on or before June 6, 2002.

On both August 5, 2002 and August 19, 2002 the respondent failed to appear at the scheduled hearing.

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Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was required to file a Financial Disclosure Statement for calendar year 2001, on or before June 6, 2002 in accordance with the D.C. Official Code §1-1106.2 (2001 Edition).
2. Respondent to date has not filed a Financial Disclosure Statement for calendar year 2001, with OCF.
3. Respondent to date has not provided an explanation for failing to timely file a Financial Disclosure Statement for calendar year 2001, with OCF.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated the D. C. Official Code §1-1106.2.
2. The penalty established at D. C. Official Code §1-1103.5(b) (3), 3DCMR §§3711.2(y), 3711.3 and 3711.4 for failure to timely file a Financial Disclosure Statement required by the D.C. Official Code § 1-1106.2 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.5(b) (3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide a basis for a finding of good cause.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 against Jerry Crute, for failing to timely file a Financial Disclosure Statement for calendar year 2001.

Date

William O. SanFord
Hearing Officer

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ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$2,000.00 be imposed against Jerry Crute for failing to timely file a Financial Disclosure Statement for calendar year 2001, in violation of D.C. Code §1-1106.2.

DATE

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing order.

Leslie Hatch
Program Specialist

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, NW, Washington, D.C. 20009.